



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: November 16, 2010

Department: Zoning, Building, Planning **Staff Contact:** Adella Gallegos, Assoc. Program Planner

TITLE: CONSENT: Special Use Permit for a Landfill (Construction & Demolition) (CSU-20100026)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the October 6, 2010 public hearing, the County Planning Commission voted 5-0 (Commissioner Sanchez excused; Commissioner Melendrez absent) to recommend approval of a Special Use Permit for a Landfill (construction & demolition) located at the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, and the NE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, and the S $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and the SW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, and the SW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, and the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, in Section 29, and the SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ in Section 20, T9N R2E, located at 5816 Pajarito Road SW, zoned A-1, and containing approximately 115 acres. The decision was based on the following eight (8) Findings and subject to the following seventeen (17) Conditions.

Findings:

1. This is a request for Special Use Permit for a for a Landfill (construction & demolition) located at the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, and the NE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, and the S $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, and the SW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, and the SW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, and the NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, in Section 29, and the SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ in Section 20, T9N R2E, located at 5816 Pajarito Road SW, zoned A-1, and containing approximately 115 acres.
2. The property is located in the Rural Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Two (2) of the Southwest Area Plan.
3. The request is in an area where the depth of the groundwater is approximately 500 feet.
4. The landfill will be lined to protect groundwater.
5. The landfill is not located in a crucial area as defined by the Groundwater Protection Policy and Action Plan.

6. This request is consistent with Resolution 116-86 in that there have been changed community conditions that have occurred directly adjacent to the subject site and in close proximity to the subject site that are consistent with the requested land use by existence of the adjacent landfill site and the approval of a Special Use Permit for a Transfer Station.
7. This request is consistent with Resolution 116-86, as articulated in the Albuquerque/Bernalillo County Comprehensive Plan, Environmental Protection, Solid Waste Policy 3.a, b. & c., in that this request would be more advantageous to the community by providing an efficient, economical and environmentally sound method of construction and debris disposal and possibly minimizing illegal dumping.
8. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. Construction and demolition debris only shall be permitted at the landfill site. No hazardous materials may be accepted at the landfill.
2. A revised Closure and Post-closure Plan and a Reclamation Plan shall be submitted to the Zoning, Building, Planning and Environmental Health Department within one month after New Mexico Environment Department approval of the permit expansion.
3. Lining of cells, including a leachate collection system shall be required following EPA specifications.
4. A minimum of one groundwater quality monitoring well system shall be sited, constructed, and monitored in accordance with guidelines provided by the EPA and the New Mexico Environment Department.
5. Prior to approval of placement of any fill in designated 100-year flood zones, a Conditional Letter of Map Revision must be approved by the Federal Emergency Management Agency (FEMA) in accordance with national flood insurance program regulations.
6. The applicant shall obtain necessary approvals from the Bernalillo County Fire Department to address fire apparatus, access roads, hazardous materials, and availability of water supplies for fire protection within one month after New Mexico Environment Department approval of the permit expansion.
7. Landfill cells shall be constructed and maintained in conformance with the applicable New Mexico Environment Department landfill regulations.
8. Monitoring wells shall be constructed and monitored in accordance with the New Mexico Environment Department and the Office of the State Engineer.
9. New landfill cell locations shall be constructed and setback from any legal residence or private water supply in accordance with the requirements of the New Mexico Environment Department.
10. The landfill must operate in strict compliance with any requirements from the New Mexico Environment Department, Solid Waste Bureau, and the City of Albuquerque Air Quality Division.

11. The applicant shall acquire permits approved by the Bernalillo County Environmental Health Office for the installation of any additional monitoring wells.
12. The applicant shall submit a Final Grading and Drainage Report to the Public Works Division upon cell development.
13. The applicant shall maintain a 50 foot buffer between the outermost edge of a landfill cells and adjacent property boundaries.
14. Three copies of the revised site plan with the Conditions of Approval shall be submitted for review and approval by the Zoning Administrator within six months after final approval by the Board of County Commissioners.
15. The Special Use Permit shall be issued for the life of the use.
16. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
17. The foregoing Conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

ATTACHMENTS:

1. County Planning Commission Notice of Decision Letter (October 11, 2010)
2. County Planning Commission Information Packet
3. Site Plan dated August 23, 2010 (Commissioners only)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Approval